

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANNY L. MCKAY,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

CASE NO. C07-5334BHS-KLS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

The Court having reviewed Plaintiff's complaint, the Report and Recommendation (Dkt. 16) of Judge Karen L. Strombom, United States Magistrate Judge, and the remaining record, and Plaintiff having failed to file objections to the Report and Recommendation, it is hereby

**ORDERED:**

- (1) the Court adopts the Report and Recommendation (Dkt. 16);
- (2) the ALJ erred as described in the report;
- (3) this matter is therefore **REVERSED** and **REMANDED** to the Commissioner for further administrative proceedings; and
- (4) the Clerk is directed to send copies of this order to Plaintiff's counsel, Defendant's counsel and Magistrate Judge Karen L. Strombom.

DATED this 14<sup>th</sup> day of May, 2008.



BENJAMIN H. SETTLE  
United States District Judge